

STATE OF CONNECTICUT

DEPARTMENT OF CONSUMER PROTECTION

IN THE MATTER OF

Wall Street Liquors
Kalwant Bhullar, Permittee
Bhullar Family Corporation, Backer
Permit #LIP.14617
Docket No. 13-735

Case No. 2012-1415
October 17, 2013

MEMORANDUM OF DECISION

This matter involves a package store liquor permit issued to Wall Street Liquors, 94 Wall Street, Norwalk, Connecticut. A formal administrative hearing was held before the Department of Consumer Protection on July 18, 2013. Counsel appeared on behalf of the Respondent. Following the testimony of the department's witnesses, at counsel's request, the hearing was continued until August 15, 2013 at which time it resumed and the Respondent offered testimony. At the conclusion of the August 15, 2013 hearing, the record was left open until August 22, 2013 to allow the Respondent to obtain verification or certification of the cash register record of sales submitted by the Respondent as an exhibit.

It is alleged that on or about August 29, 2012, the Respondent sold or delivered alcoholic liquor to a minor in violation of Section 30-86, Connecticut General Statutes. The Respondent, through counsel, denied the charge and the matter proceeded to a hearing.

The following facts are found based upon the evidence adduced at the hearing. On August 29, 2012, at approximately 4:12 p.m., Officer George Caponera of the New Canaan Police Department was on routine patrol. He encountered four young men in a field in a secluded area of a large park. The four

young men were holding beer cans in their hands; there were empty beer cans on the ground. He asked the young men for identification. One of the young men, Tyler Stemerman, whose date of birth is March 16, 1995, admitted he purchased two 30-packs of Keystone Light beer at a package store in Norwalk earlier that day after school. On August 29, 2012, Mr. Stemerman went to Wall Street Liquor accompanied by two underage friends. Mr. Stemerman had been to the store “20 plus” times in the past and Wall Street Liquor is known at his high school as a location from which alcohol purchases can be made. Mr. Stemerman had never been asked to sign an age statement form at Wall Street Liquor prior to purchasing alcohol and he was not asked for age identification prior to his purchase on August 29, 2012. Mr. Stemerman entered Wall Street Liquor by way of the rear entrance. He purchased two 30-packs of Keystone Light beer. He paid approximately \$20 in cash for each 30-pack. Mr. Stemerman was 17 years of age at the time and thus a minor.

At the August 15, 2013 hearing, the Respondent offered testimony which was somewhat at odds with that of Mr. Stemerman. He presented a printout of sales made on August 29, 2012. This printout shows the sale of one 30-pack of Keystone Light beer and two 40-oz. bottles of Natural Ice beer made at 4:40 p.m. However, we find that this is not the same sale as was made to Mr. Stemerman earlier that day after school, and it is conceivable that the cash transaction with Mr. Stemerman was not entered in the Respondent’s cash register system. Mr. Stemerman’s testimony was clear that the only alcohol he purchased that day was two 30-packs of Keystone Light beer, in cash. Mr. Stemerman did not purchase two 40-oz bottles of Natural Ice and no Natural Ice bottles were recovered by the

New Canaan police at the scene. We find the testimony of Mr. Stemerman to be highly credible and consistent and we believe his version of the day's events.

The determination of factual issues on conflicting testimony is within the province of the Liquor Control Commission. Noyes v. Liquor Control Commission, 151 Conn. 524, 527, 200 A.2d 467 (1964). The Liquor Control Act vests in the Commission a liberal discretionary power to determine credibility of witnesses and factual matters with regard to liquor permits. Fenton v. Liquor Control Commission, 151 Conn. 537, 539, 200 A.2d 481 (1964).

Accordingly, based upon the substantial evidence, we hereby find the Respondent to be in violation of Section 30-86, Connecticut General Statutes. We hereby suspend the Respondent's permit for a period of three days, and for an additional period of ten days. In lieu of the additional ten days' suspension, however, we will accept payment of a fine of \$750 in accordance with Section 30-6-A8(i) and (k) of the Regulations of Connecticut State Agencies.

DEPARTMENT OF CONSUMER PROTECTION
LIQUOR CONTROL COMMISSION
BY:

Elisa A. Nahas, Esq.
Designated Presiding Officer

Angelo J. Faenza, Commissioner

Stephen R. Somma, Commissioner

Parties:

Kalwant Bhullar, Permittee, Wall Street Liquors, 94 Wall Street, Norwalk, CT 06850
(Via US Mail and Certified Mail # 7010 0290 0000 0308 0891)

Kalwant Bhullar c/o Donald A. Jacobs, Esq., Webber, Jacobs, Murphy & Horan
LLP, 28 Grand Street, Hartford, CT 06106

Nonparties:

John Suchy, Director, Department of Consumer Protection, Liquor Control
Division

Connecticut Beverage Journal

Connecticut State Library, 231 Capitol Avenue, Hartford, CT 06106